

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

RESOURCE CONSERVATION AND RECOVERY ACT PERMIT

Facility Name and Location: **ROSS INCINERATION SERVICES, INC**
36790 Giles Road
Grafton, Ohio 44044

Owner: **ROSS INCINERATION SERVICES, INC**
Operator: **ROSS INCINERATION SERVICES, INC**

U.S. EPA Identification Number: **OHD 048 415 665**

Effective Date: _____

Expiration Date: _____

Authorized Activities

The United States Environmental Protection Agency ("U.S. EPA") hereby issues this hazardous waste management facility permit (hereinafter referred to as the "permit") to Ross Incineration Services, Inc. ("Ross") to regulate the management of hazardous waste at its facility located at 36790 Giles Road, Grafton, Ohio ("Facility").

This permit is issued under the authority given to the U.S. EPA by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, and the Hazardous and Solid Waste Amendments ("HSWA") of 1984 (42 USC § 6901 *et seq.*), collectively referred to as "RCRA," and regulations promulgated thereunder by the U.S. EPA in Title 40 of the Code of Federal Regulations ("40 CFR").

Section 3006 of RCRA (42 U.S.C. § 6926) authorizes the U.S. EPA to convey to a state government the authority to administer RCRA if the state's program is adequate to ensure that the health of the public is protected. The state authorization procedures are described in the regulations at 40 CFR Part 271. On June 30, 1989, the U.S. EPA authorized the Ohio Environmental Protection Agency (OEPA) to administer the RCRA hazardous waste program. Since then, the U.S. EPA has continued to promulgate new RCRA regulations. When OEPA demonstrated it was able to adequately administer a new RCRA regulation, the U.S. EPA issued a subsequent authorization, adding the new regulation to OEPA's authorized RCRA program.

The U.S. EPA has not yet authorized OEPA to administer the air emission standards in 40 CFR Part 264, Subpart BB covering leaks from equipment handling hazardous, Subpart CC which covers tanks and containers handling hazardous wastes, and some hazardous wastes listed in 40 CFR Part 261, Subpart D. Therefore, the U.S. EPA is issuing this portion of the RCRA permit to cover operations at Ross' facility which are subject to the RCRA air emission standards and those operations at the facility which manage wastes for which OEPA is not authorized.

Ross' complete RCRA permit is comprised of both this U.S. EPA permit, which contains the applicable federal RCRA conditions, and the RCRA permit issued by OEPA effective on date of final. The complete RCRA permit authorizes Ross to manage hazardous waste in accordance with the terms and conditions of the permit. This permit consists of all the conditions contained herein, and all conditions incorporated by citation. Ross must comply with all terms and conditions contained in the permit.

This permit is based on the following assumptions: (1) the information submitted by Ross in its initial RCRA permit application dated March 12, 1998 and in the subsequent modifications to that application (hereinafter referred to as the "application") are accurate, and (2) the facility is configured, operated and maintained as specified in the permit application.

Any inaccuracies in the submitted information may be grounds for the U.S. EPA to modify or revoke and reissue this permit in accordance with 40 CFR § 270.41, or terminate it in accordance with 40 CFR § 270.43; and for enforcement action under Section 3008 of RCRA. Ross must inform the U.S. EPA of any deviation from, or changes in, the information in the application that might affect its ability to comply with the applicable regulations or conditions of this permit.

Opportunity to Appeal

Petitions for review of this permit must be submitted within 30 days after the U.S. EPA serves notice of the final permit decision. Any person who filed comments on the draft permit or participated in the public hearing may petition the Environmental Appeals Board to review any condition of the permit decision. Any person who failed to file comments or did not participate in the public hearing on the draft permit may file a petition for review only to the extent that the final permit differs from the draft. The procedures for permit appeals are found in 40 CFR § 124.19.

Effective Date

This permit is effective as of _____ and will remain in effect until _____, unless revoked and reissued under 40 CFR § 270.41, terminated under 40 CFR § 270.43, or continued in accordance with 40 CFR § 270.51(a).

By: _____

Date: _____

Phyllis A. Reed, Acting Director
Waste, Pesticides and Toxics Division

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SECTION I—STANDARD PERMIT CONDITIONS

I.A EFFECT OF PERMIT

Ross is hereby allowed to manage hazardous waste in accordance with this permit. Under this permit, the operation of units storing RCRA hazardous waste must comply with all terms and conditions in this permit. Other aspects of the storage, treatment, and disposal of RCRA hazardous wastes by Ross in containers, tanks, miscellaneous units, etc., are subject to the conditions in the RCRA permit issued by the Ohio Environmental Protection Agency (OEPA). Any hazardous waste activity which requires a RCRA permit and is not authorized in either the USEPA or OEPA RCRA permit is prohibited.

Pursuant to 40 CFR § 270.4, compliance with the RCRA permit during its term constitutes compliance, for purposes of enforcement, with Subtitle C of RCRA, except for those RCRA requirements not included in the permit which become effective by statute, or are promulgated under 40 CFR Part 265, Subparts AA, BB, and CC limiting air emissions. This permit does not (1) convey any property rights or any exclusive privilege; (2) authorize any injury to persons or property, or invasion of other private rights; or (3) authorize any infringement of state or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued, or any action brought, under (1) Sections 3008, 3013, or 7003 of RCRA; (2) Sections 104, 106, or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 USC §§ 9601 *et seq.* (commonly known as CERCLA); or (3) any other law protecting public health or the environment from any imminent and substantial endangerment to human health, welfare, or the environment (40 CFR §§ 270.4 and 270.30(g)).

I.B PERMIT ACTIONS

The U.S. EPA may modify or revoke and reissue this permit in accordance with 40 CFR § 270.41, or terminate it in accordance with 40 CFR § 270.43. Section 3005(c)(3) of RCRA provides that modification pursuant to 40 CFR § 270.41 may include any new terms and conditions the U.S. EPA determines are necessary to protect human health and the environment. The filing by Ross of a request for modification, revocation and reissuance, or termination of this permit, or a notification by Ross of planned changes or anticipated noncompliance will not stay the applicability or enforceability of any permit condition. (40 CFR § 270.30(f))

Ross may request a modification of this permit under the procedures specified in 40 CFR § 270.42. A class 1 modification is generally allowed without prior approval by U.S. EPA except under certain conditions as described in 40 CFR § 270.42(a)(2). A class 2 modification requires prior approval by U. S. EPA as described in 40 CFR §270.42(b). However, Ross may perform construction associated with a Class 2 permit modification request beginning 60 days after submission of the request unless the Director, Waste, Pesticides and Toxics Division, U.S. EPA (Director) establishes a later date under

40 CFR § 270.42(b)(8). Procedures for a class 3 modification are specified in 40 CFR § 270.42(c). Ross must not perform any construction associated with a Class 3 permit modification request until such modification request is granted and the modification becomes effective.

I.C SEVERABILITY

This permit's provisions are severable; if any permit provision, or the application of any permit provision to any circumstance, is held invalid, such provision's application to other circumstances and the remainder of this permit will not be affected. Invalidation of any statutory or regulatory provision on which any condition of this permit is based does not affect the validity of any other statutory or regulatory basis for that condition. (40 CFR § 124.16(a))

I.D DEFINITIONS

The terms used in this permit will have the same meaning as in 40 CFR Parts 124, 260 through 266, 268 and 270, unless this permit specifically provides otherwise. Where neither the regulations nor the permit define a term, the term's definition will be the standard dictionary definition or its generally accepted scientific or industrial meaning.

I.E DUTIES AND REQUIREMENTS

1.E.1 Duty to Comply

Ross must comply with all conditions of this permit, except to the extent and for the duration for which an emergency permit authorizes such noncompliance (see 40 CFR § 270.61). Any permit noncompliance, except under the terms of an emergency permit, constitutes a violation of RCRA and will be grounds for: enforcement action; permit termination; revocation and reissuance; or modification; or denial of a new permit. (40 CFR § 270.30(a))

1.E.2 Permit Expiration

Unless revoked or terminated, this permit and all conditions herein will be effective until **date of state permit expiration**. This permit and all conditions herein will remain in effect beyond the permit's expiration date only if Ross has submitted a timely, complete application for a new permit (40 CFR §§ 270.10 and 270.13 through 270.29), and, through no fault of Ross, the Director has not made a final determination regarding issuance of a new permit. (40 CFR §§ 270.50, 270.51)

I.E.3 Duty to Reapply

If Ross wishes to continue the activities regulated by this permit after its expiration date, Ross must submit a complete application for a new permit at least 180 days before this permit's expiration date, unless the Director grants permission for a later application submittal date. The Director will not grant permission to submit an application for a new permit later than this permit's expiration date. In reviewing any application for a new permit, the U.S. EPA will consider improvements in the state of control and measurement technology, and changes in applicable regulations. (40 CFR §§ 270.10(h) and 270.30(b))

I.E.4 Need to Halt or Reduce Activity Not a Defense

In an enforcement action, Ross is not entitled to a defense that it would have been necessary to halt or reduce the permitted activity to maintain compliance with this permit. (40 CFR § 270.30(c))

I.E.5 Duty to Mitigate

In the event of noncompliance with this permit, Ross must take all reasonable steps to minimize releases to the environment resulting from the noncompliance and must implement all reasonable measures to prevent significant adverse impacts on human health and the environment. (40 CFR § 270.30(d))

I.E.6 Proper Operation and Maintenance

Ross must always properly operate and maintain all facilities and treatment and control systems (and related appurtenances) that it installs or uses to comply with this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires Ross to operate back-up or auxiliary facilities or similar systems only when necessary to comply with this permit. (40 CFR § 270.30(e))

I.E.7 Duty to Provide Information

Within a reasonable time Ross must provide the Director any relevant information that the Director or authorized representative of the Director requests to determine whether there is cause to modify, revoke and reissue, or terminate this permit, or to determine permit compliance. Ross must also provide the Director or authorized representative of the Director, upon request, with copies of any records this permit requires to be maintained. The information Ross must maintain under this permit is not subject to the Paperwork Reduction Act of 1980, 44 USC §§ 3501 *et seq.* (40 CFR §§ 264.74(a) and 270.30(h))

I.E.8 Inspection and Entry

Pursuant to 40 CFR § 270.30(i), upon the presentation of credentials and other legally required documents, Ross must allow the Director or an authorized representative to:

I.E.8.a Enter Ross' premises at reasonable times where a regulated activity is located or conducted, or where records must be kept under the conditions of this permit;

I.E.8.b Have access to and copy, at reasonable times, any records that Ross must keep under the conditions of this permit;

I.E.8.c Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

I.E.8.d Sample or monitor any substances at any location at reasonable times, to assure permit compliance or as RCRA otherwise authorizes.

Notwithstanding any provision of this permit, U.S. EPA retains the inspection and access authority which it has under RCRA and other applicable laws.

I.E.9 Monitoring and Records

I.E.9.a Samples and measurements taken for monitoring purposes must be representative of the monitored activity. The methods used to obtain a representative sample of treatment residue or other waste to be analyzed must be the appropriate methods from Appendix I of 40 CFR Part 261, or the methods specified in the waste analysis plan approved by OEPA, or an equivalent method approved by the Director. Laboratory methods must be those specified in *Test Methods for Evaluating Solid Waste: Physical/Chemical Methods* (SW-846, latest edition), *Methods for Chemical Analysis of Water and Wastes* (EPA 600/4-79-020), or an equivalent method, as specified in the referenced waste analysis plan. (40 CFR § 270.30(j)(1))

I.E.9.b Ross must retain, at the facility, all records as specified in 40 CFR § 264.74.

I.E.9.c Ross must retain all reports, records, or other documents, required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the reports, records, or other documents, unless a different period is specified in this permit. The 3-year period may be extended by request of the Director at any time and is automatically extended during the course of any unresolved enforcement action regarding this facility. (40 CFR §§ 270.30(j) and

270.31)

I.E.10 Reporting Planned Changes

Ross must notify the Director as soon as possible of any planned physical alterations or additions to the permitted facility. (40 CFR § 270.30(l)(1))

I.E.11 Reporting Anticipated Noncompliance

Ross must notify the Director, in advance, of any planned changes in the permitted facility or activity that may result in permit noncompliance. Advance notice will not constitute a defense for any noncompliance. (40 CFR § 270.30(l)(2))

I.E.12 Certification of Construction

For a new facility, Ross may not treat, store, or dispose of hazardous waste; and for a facility being modified, Ross may not treat, store, or dispose of hazardous waste in the modified portion of the facility except as provided in Sec. 270.42, until:

I.E.12.a Ross has submitted to the Director certification, attested to by a registered professional engineer, that the facility has been constructed or modified in compliance with the permit; (40 CFR § 270.30(l)(2)(i) and

I.E.12.b U.S. EPA has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit. However, if within 15 days of the date of submission of the above letter Ross has not received notice from the U.S. EPA of intent to inspect, prior inspection is waived and Ross may commence treatment, storage, or disposal of hazardous waste in the new or modified portion of the facility. (40 CFR § 270.30(l)(2)(ii)

I.E.13 Transfer of Permits

This permit is not transferable to any person, except after notice to the Director. If Ross notifies the Director of a transfer of ownership or change of operator of the premises subject to this permit, under 40 CFR § 270.40, the Director may revoke and reissue or modify the permit to change the owner or operator's name and incorporate other RCRA requirements. Before transferring ownership or operation of the facility during its operating life, Ross must notify the new owner or operator in writing of the requirements of this permit and the requirements of 40 CFR Parts 264, 268, and 270. (40 CFR §§ 264.12(c), 270.30(l)(3), and 270.40(a))

I.E.14 Twenty-Four Hour Reporting

I.E.14.a Ross must report to the U.S. EPA, Region 5 office any noncompliance with this permit that may endanger human health or the environment. Any such information must be reported orally within 24 hours after Ross become aware of the circumstances, by contacting the Enforcement and Compliance Assurance Branch at (312) 886-0838. (40 CFR §§ 270.30(l)(6))

I.E.14.b The report must describe the occurrence of any of the following: (1) the release of any hazardous waste that may endanger public drinking water supplies; (2) a release or discharge of hazardous waste; or (3) a fire or explosion from the hazardous waste management facility, that could threaten the environment or human health outside the facility. Ross must include the following information about the incident:

- (1) Name, title and telephone number of the person making the report;
- (2) Name, address and telephone number of the facility owner or operator;
- (3) Date, time and type of incident;
- (4) Location and cause of incident;
- (5) Identification and quantity of material(s) involved;
- (6) Extent of injuries, if any;
- (7) Assessment of actual or potential hazards to the environment and human health outside the facility, where applicable;
- (8) Description of any emergency action taken to minimize the threat to human health and the environment; and
- (9) Estimated quantity and disposition of recovered material that resulted from the incident.

I.E.14.c In addition to the oral notification required under Conditions I.E.14.a and I.E.14.b of this permit, Ross must submit to the Director a written report within 5 calendar days after it became aware of the circumstances. The written report must include, but is not limited to, the following:

- (1) Name, address and telephone number of the person reporting;
- (2) Incident description (noncompliance and/or release or discharge of hazardous waste), including cause, location, extent of injuries, if any, and an assessment of

actual or potential hazards to the environment and human health outside the facility, where applicable);

- (3) Period(s) in which the incident (noncompliance and/or release or discharge of hazardous waste) occurred, including exact dates and times;
- (4) Whether the incident's results continue to threaten human health and the environment, which will depend on whether the noncompliance has been corrected and/or the release or discharge of hazardous waste has been adequately cleaned up; and
- (5) If the noncompliance has not been corrected, the anticipated period for which it is expected to continue and the steps taken or planned to reduce, eliminate, and prevent the recurrence of the noncompliance.

The Director may waive the requirement that written notice be provided within 5 calendar days; however, Ross will then be required to submit a written report within 15 calendar days after the day on which Ross was required to provide the oral notice required by Condition I.E.14.a. This report must contain the information required by Condition I.E.14.b of this permit.
(40 CFR § 270.30(1)(6))

I.E.15 Other Noncompliance

For all instances of noncompliance which do not endanger health or the environment and are not reported under Condition I.E.14 of this permit, Ross must include a description of such instances with the submittal of any other reports required by this permit. The reports must contain the information listed in Condition I.E.14. (40 CFR § 270.30(1)(10))

I.E.16 Other Information

I.E.16.a Whenever Ross becomes aware that it failed to submit or otherwise omitted any relevant facts in its permit application or other submittal, or submitted incorrect information in the permit application or other submittal, Ross must promptly notify the Director of any incorrect information or previously omitted information, submit the correct facts or information, and explain in writing the circumstances of the incomplete or inaccurate submittal.
(40 CFR § 270.30(1)(11))

I.E.16.b All other requirements contained in 40 CFR § 270.30 not specifically described in this permit are incorporated into this permit and Ross must comply with all those requirements.

I.F SIGNATORY REQUIREMENT

All applications, reports, or information this permit requires, or which are otherwise submitted to the Director must be signed and certified by a responsible corporate official at Ross in accordance with 40 CFR § 270.11. (40 CFR § 270.30(k))

I.G REPORTS, NOTIFICATIONS AND SUBMITTALS TO THE DIRECTOR

Except as otherwise specified in this permit, all reports, notifications, or other information that this permit requires to be submitted to the Director shall be delivered to the following address:

United States Environmental Protection Agency
attn: RCRA Permitting
Waste Management Branch, DW-8J
Waste, Pesticides and Toxics Division
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

I.H CONFIDENTIAL INFORMATION

In accordance with 40 CFR Part 2, Subpart B, Ross may claim any information this permit requires, or is otherwise submitted to the Director, as confidential. Ross must assert any such claim at the time of submittal in the manner prescribed on the application form or instructions or, in the case of other submittals, by placing the words “Confidential Business Information” on each page containing such information. If Ross makes no claim at the time of submittal, the Director may make the information available to the public without further notice. If Ross asserts a claim, the information will be treated in accordance with the procedures in 40 CFR Part 2. (40 CFR § 270.12)

I.I DOCUMENTS TO BE MAINTAINED AT THE FACILITY

Ross must maintain at the facility, until closure is completed and certified by an independent registered professional engineer, the following documents and all amendments, revisions, and modifications to them.

I.I.1 Operating Record

Ross must maintain in the facility’s operating record the documents required by this permit, and by the applicable portions of 40 CFR §§264.73 and 264.1064.

I.I.2 Permit on Site

Ross must keep this permit and any attachments on site, including all the documents required to be maintained by this permit, and Ross must update it as necessary to incorporate any permit modifications under 40 CFR §§ 270.41 and 270.42.

I.J ATTACHMENTS AND DOCUMENTS INCORPORATED BY REFERENCE

All attachments and documents that this permit requires to be submitted, including all plans and schedules are, upon the Director's approval, incorporated by reference and become an enforceable part of this permit. Since required items are essential elements of this permit, failure to submit any of the required items or submission of inadequate or insufficient information may subject Ross to enforcement action under Section 3008 of RCRA. This may include fines, or permit suspension or revocation.

Any noncompliance with approved designs, plans and schedules is noncompliance with this permit. The Director may grant written requests for extensions of due dates for submittals required in this permit.

If the Director determines that actions beyond those provided for, or changes to what is stated herein, are warranted, the Director may modify this permit according to procedures in Condition I.B of this permit.

If any documents attached to this permit are found to conflict with any of the Conditions in this permit, the Conditions will take precedence.

I.K COORDINATION WITH THE CLEAN AIR ACT

Ross must fully comply with all applicable Clean Air Act (CAA) and RCRA permit limits. Where two or more operating limitations apply, the most stringent operating limitations take precedence. Pursuant to 40 CFR § 264.1080(b)(7), the requirements of Subpart CC are not included in the U.S. EPA portion of Ross' RCRA permit. Ross is required to maintain compliance with the applicable requirements of the Clean Air Act regulations at 40 CFR parts 60, 61, and 63. Should the Clean Air Act regulations change such that they no longer apply to any unit handling hazardous waste that would have been subject to Subpart CC, that unit will become subject to subpart CC. This permit will be modified accordingly to include subpart CC requirements, unless OEPA has become authorized for subpart CC, in which case Ross must apply to OEPA for a permit modification to include subpart CC. Ross must record and maintain on site the following information for each hazardous waste management unit for which 40 CFR § 264.1080(b)(7) was invoked: (1) Certification that the waste management unit is equipped with and operating air emission controls in accordance with the requirements of an applicable Clean Air Act regulation codified under 40 CFR parts 60, 61, or 63; (2) Identification of the specific requirements codified under 40 CFR parts 60, 61, or 63 with which the waste management unit is in compliance.

SECTION II—AIR EMISSIONS STANDARDS

II. EQUIPMENT LEAKS

II.A EQUIPMENT

Ross must comply with all applicable requirements of 40 CFR. Part 264, Subpart BB, regarding air emission standards from equipment leaks. As required by 40 CFR § 264.1064, Ross must keep in the facility operating record a list of all the components subject to subpart BB and the specific section of subpart BB that is applicable. Specifically, equipment at Ross facility is subject to the following standards:

40 CFR § 264.1052	Pumps in light liquid service
40 CFR § 264.1054	Pressure relief devices in gas/vapor service
40 CFR § 264.1055	Sampling connection systems
40 CFR § 264.1056	Open-ended valves or lines
40 CFR § 264.1057	Valves in gas/vapor or light liquid service
40 CFR § 264.1058	Pumps and valves in heavy liquid service, pressure relief devices in light liquid or heavy liquid service and flanges and other connectors

Ross is not allowed to manage hazardous waste in units not subject to the above standards.

II.B Test Methods and Procedures

Ross shall comply with the leak detection requirements of 40 CFR § 264.1063(b) for all Ross' equipment that is subject to subpart BB. Monitoring for equipment leaks shall comply with instrumentation meeting the performance criteria and calibrated before use on each day of its use in accordance with 40 CFR part 60, Reference Method 21.

II.C Semiannual Report

40 CFR § 264.1065(a) requires a semiannual report be submitted to the Regional Administrator indicating the occurrences when valves, pumps, and compressors were not repaired as required by Subpart BB, dates of hazardous waste management unit shutdowns, and occurrences when emission control devices operated outside of their design specifications. If any of the above events occur which require such a report, it

shall be sent to the address in paragraph I.E.11 by January 15 and July 15 of each year for the previous 6 calendar months.

II.D Clean Air Act

40 CFR § 264.1064(m) allows any of the equipment subject to Subpart BB that is also subject to the Clean Air Act regulations at 40 CFR Parts 60, 61, or 63 to elect to determine compliance with Subpart BB by documenting compliance with the relevant provisions of 40 CFR Parts 60, 61, or 63. Such documentation shall be kept on file and made available on request by U. S. EPA.

SECTION III -- HAZARDOUS WASTE NUMBERS

In addition to the hazardous waste numbers listed in the OEPA-issued portion of the RCRA permit, Ross may manage at its facility certain newly listed hazardous wastes promulgated under the HSWA. All handling of these wastes must comply with the applicable provisions of both the OEPA RCRA permit and the U.S. EPA issued portion of the RCRA permit.

This permit allows Ross to manage certain RCRA hazardous wastes listed at 40 CFR Part 261, Subpart D, which OEPA is not authorized to regulate at the time of this permit issuance. The following list of waste numbers identifies these newly listed wastes.

F032	K151	K176	P197	U364
F037	K156	K177	P198	U367
F038	K157	P127	P199	U372
K141	K158	P128	P201	U373
K142	K159	P185	P202	U387
K143	K161	P188	P203	U389
K144	K169	P189	P204	U394
K145	K170	P190	P205	U395
K147	K171	P191	U271	U404
K148	K172	P192	U278	U409
K149	K174	P194	U279	U410
K150	K175	P196	U280	U411